

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

CATHERINE PIERCE * **CIVIL ACTION NO. 08-cv-0114**

VERSUS * **JUDGE MELANÇON**

**COMMISSIONER OF
SOCIAL SECURITY** * **MAGISTRATE JUDGE HILL**

JUDGMENT

This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own.

Accordingly, **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the Commissioner's decision is **REVERSED** and **REMANDED** to the Commissioner for further administrative action pursuant to the fourth sentence of 42 U.S.C. § 405(g). This includes, but does not limit, sending the case to the hearing level with instructions to the Administrative Law Judge to develop the record regarding claimant's ability to maintain employment and to explain the weight given to the opinion of claimant's treating physician. Claimant shall be afforded the

opportunity to submit additional evidence and to testify at a supplemental hearing.¹

Lafayette, Louisiana, this 8th day of July, 2009.



TUCKER L. MELANCON
UNITED STATES DISTRICT JUDGE

¹ Any judgment entered herewith will be a "final judgment" for purposes of the Equal Access to Justice Act (EAJA). See, *Richard v. Sullivan*, 955 F.2d 354 (5th Cir. 1992) and *Shalala v. Schaefer*, 509 U.S. 292 (1993).